

**REMARKS**

In response to the Decision on Appeal issued by the Board of Patent Appeals and Interferences on June 4, 2008, Applicants have amended the claims so as to be in allowable form. As this Amendment/Response to conform is filed within the two-month time period set forth under 37 C.F.R. § 1.304 for filing an appeal or commencing a civil action, Applicants respectfully assert that the above amendments have been timely made. See, MPEP § 1213.01; 37 C.F.R. §§ 1.304 and 41.50(c). Therefore, Applicants respectfully request the Examiner enter the above amendments and allow this case.

**I. STATUS OF CLAIMS**

Claims 1 and 3-11 are currently pending. The Examiner has provisionally rejected claims 1, 3, 4, 7, 8, and 11 under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 7,014,695 (previously U.S. Patent Application Serial No. 10/387,739). The Examiner has also rejected claims 1, 3, and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,695,900 to Momose (“Momose”). The Examiner has objected to claims 4-6 as being dependant upon a rejected base claim. However, the Examiner has indicated that claims 4-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, the Examiner has indicated that claim 8-10 are allowable but for the obvious-type double patenting rejection.

Accordingly, to place this case in condition for allowance, a terminal disclaimer is filed concurrently herewith. In addition, Claims 1 and 3 have been currently canceled, with Claim 2 being previously canceled, and Claim 4 has been rewritten in independent form. Claim 7 stands currently amended so as to depend from independent Claim 4, and the form of Claim 8 has been slightly amended. Claims 4-11 are currently pending.

The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections and objections to current claims 4-11. An early Notice of Allowance is therefore requested.

**II. REJECTION OF CLAIMS 4, 7, 8, AND 11 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUS-TYPE DOUBLE PATENTING**

A terminal disclaimer relating to U.S. Patent No. 7,014,695 is filed concurrently with this Amendment/Response. The Terminal disclaimer can be found in Appendix A. As such, Applicants respectfully request the examiner withdraw the rejections of claims 4, 7, 8, and 11 under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 7,014,695.

**III. CLAIMS 4-7**

Examiner has indicated that Claim 4 would be allowable if rewritten in independent form. Accordingly, Claim 4 has been rewritten in independent form. As such, Applicants respectfully assert that Claim 4 is now in allowable form. Therefore, Applicants respectfully request the Examiner allow Claim 4, and corresponding claims 5-7 because they are dependant from independent Claim 4.

**IV. CLAIMS 8-11**

Examiner has already indicated that claims 8-11 are allowable but for the obvious-type double patenting rejections. As stated above, a terminal disclaimer relating to U.S. Patent No. 7,014,695 is filed concurrently with this Amendment/Response. As such, Applicants respectfully assert that claims 8-11 are now in condition for allowance. Therefore, Applicants respectfully request the Examiner allow Claims 8-11.

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Based upon the above remarks, Applicants respectfully request reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicants' attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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# Appendix A